IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.
Arbitration Application No. 210 of 2005

Trent Limited — Applicants
Vs.
Amazon Developers — Respondents

Mr.C.S.Balsara with Ms.S.Vedpathak i/b. Maneksha & Sethna for applicants.
Mr.Aashish Kamath i/b Kartikey Associates for respondents.

CORAM: B.H.MARLAPALLE, J.
March 03, 2006.

P.C.

. This application filed under Section 11 of the Arbitration and Conciliation Act, 1996 prays for the appointment of the Arbitral Tribunal in terms of clause 19 of the agreement dated 12/9/2000 entered between the parties.

. The applicant vide its letter dated 1/6/2005 had already invoked clause 19 of the agreement and called upon the respondent either to concur with the appointment of Mr.Nitin G. Thakkar as the sole arbitrator or to appoint an arbitrator of the respondent's choice in addition to Mr.Nitin G. Thakkar, within a period of thirty days from the date of the letter. The respondent apparently failed to respond to this letter within a period of thirty days and, therefore, the applicant approached this Court on or about 13/10/2005. The learned counsel for the

applicant, therefore, states that the respondent has forfeited its right to nominate its arbitrator after the period of thirty days. In any case clause 19 of the agreement provides for an arbitral tribunal representing an arbitrator from both the parties and two of the arbitrators so nominated to appoint the presiding arbitrator. The applicant has reiterated its nomination of Mr.Nitin G. Thakkar.

. Hon'ble Mr.Justice V.P.Tipnis (Retd.) is hereby appointed as the sole arbitrator of the respondent along with Mr.Nitin G. Thakkar as the nominee of the applicant. These two arbitrators will appoint the presiding arbitrator within a period of four weeks. Needless to mention the claims and counter-claims of the respective parties will be the subject matter of the arbitration proceedings.

. The application is disposed off in terms of the above order and a copy of this order be forwarded to Hon'ble Mr.Justice V.P. Tipnis (Retd.)

(B.H.MARLAPALLE,J.)